

**Board of Zoning & Appeals**  
**MINUTES**  
**(Via Tele-Conference)**  
**November 4, 2020**

**MEMBERS PRESENT:** John Kester, Ede Graves, Blake Badger, & Johnny Wilson

**MEMBERS ABSENT:** James Dozier & Sandra Quinn

**OTHERS PRESENT:** Matt Millwood, Angela Rambeau, & Debra Grant

- I. **Call to Order**
- II. **Roll Call (Board Secretary)**
- III. **Public Hearing: None**
- IV. **Approval of Minutes for October 7, 2020;** Ms. Graves made a motion to approve the minutes as presented, seconded by Mr. Badger; the motion carried 3 to 0 by a roll call vote (*Mr. Wilson was absent from the October meeting*).
- V. **Variance Request:**

**V#20-13**      **Thompson Construction Group**, agents for Sharon Melton of 231 Highmarket Street (TMS #05-0033-032-00-00), are requesting a variance to Article VIII (yard setbacks). **Ms. Angela Rambeau/City Staff** told the Board that the request is a 2 part variance for the 3,750 sq. ft. lot that is zoned R-4; the lot has an existing home and accessory structure. Ms. Rambeau said Thompson Construction is seeking the variance to be able to demolish the old home and construct a new home, the variance needed is a **20 ft. variance** on the front, allowing the front setback to be 5 ft.; a right side **variance of 7.1 ft.**, allowing the setback to be 4.9. There is an exception allowed in the Zoning Ordinance, Article IX; Section 902 which says “...the minimum front yard shall be the average of the existing front yard depths” this allows the average of properties within 100 ft. of the subject property on both sides to be counted and the average used, the calculations of the City Staff would allow the front setback to be 9 ft. **Ms. Graves** asked the ruling on the fence if it has to be removed for the new construction; would it be allowed to go back in the same location or will it be required to be placed in the proper place. **Ms. Rambeau** said anything that is existing is considered grandfathered in, however if something that in nonconforming is removed it must meet the current regulations when going back, and cannot be put in the right of way. **Mr. Mike Brown/Thompson Construction** said that this new home is a part of the SC Disaster Recovery Program and the design of the home is one that has been approved by the state and the program, not a custom built home. The footprint of the new home will be further back from the Highmarket and Meeting Street setbacks. The overall footprint will be less than the existing home and it will be raised because it is in a flood zone. **Mr. Kester** said after reviewing the plans of the new home, he believes that the new home could be built without any variances. **Mr. Brown** said usually the program will rebuild in the existing footprint, however he didn’t think they could meet the side setback and the rear setback. **Mr. Kester** said with the exception that Ms. Rambeau read, the front setback could be 9 ft. and that would allow the home to be built and all the setbacks could be met, with the **front (Highmarket) setback being 9 ft.**, the **right side (Meeting Street) setback would be 12 ft.**, and 27 ft. on the left side of the home. **Mr. Brown** said

he was not aware of the 9 ft. exception on the front of the home, and if that is the case he would rearrange the placement of the home to meet those setbacks. **Mr. Kester** said there are 4 hardships that have to be met when granting a variance, and he doesn't see that those 4 hardships could be met, also with the new information given by Ms. Rambeau a variance would not be needed. **Ms. Graves** re-stated what Mr. Kester said for Mr. Brown and Ms. Melton, telling them that the Meeting Street side of the home should have a 12 ft. setback from the property line, and the Highmarket Street (front) should have a 9 ft. setback from the property line, if that can be done then a variance would not be needed. **Mr. Brown** asked what the rear setback should be. **Ms. Graves** said 10 ft., however the landing and steps are not included in that 10 ft. it would be from the house itself. **Ms. Rambeau** confirmed that the landing and the steps could encroach in the setbacks. **Mr. Kester** said if the contractor and the owner could live with that, the application can be withdrawn. **Mr. Brown** said that they will move forward with the project, however if some major problems arises they would reapply. **Mr. Kester** said he would hope if they did have to come back for a variance the City would waive the application fee, and said the left side of the home should have enough space to allow an accessory building and a driveway. *(Mr. Brown officially withdrew the application).*

**VI. Board Discussion: None**

**VII. Adjournment:** With there being no further business the meeting was adjourned.

*Submitted By,*

*Debra Grant  
Board Secretary*